

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 4, 5, 8-11, 14, 15 and 18-20 are pending in the present application. Claims 2, 3, 6, 7, 12, 13, 16 and 17 are canceled without prejudice or disclaimer and Claims 1, 4, 5, 8, 9, 11, 14, 15, 18 and 19 are amended by the present amendment to include canceled subject matter. No new matter is added.

In the outstanding Office Action, Claims 1-3, 6, 7, 11-13, 16 and 17 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,842,114 to Ozluturk in view of U.S. Patent No. 6,393,005 to Mimura; and Claims 4, 5, 8, 9, 10, 14, 15 and 18-20 were indicated as allowable if rewritten in independent form. Applicants gratefully acknowledge the indication of allowable subject matter in Claims 4, 5, 8, 9, 10, 14, 15, 18, 19 and 20.

Applicants respectfully traverse the rejection of Claims 1-3, 6, 7, 11-13, 16 and 17 as unpatentable over Ozluturk in view of Mimura under 35 U.S.C. § 103(a). Ozluturk and Mimura describe methods for controlling transmitting power in a communication system but are silent regarding a required receiving power when interference does not exist.

Accordingly, independent Claims 1 and 11 are amended to recite features similar to those in Claims 4 and 14, respectively, which were indicated as allowable in the outstanding Office Action.¹ In particular, Claims 1 and 11 are amended to recite a required receiving power R in the radio channel that is calculated by a required receiving power R_0 when interference does not exist at all at a receiver and by a ratio of total power to transmission power, P_{total} / P , as in the allowable subject matter of Claims 4 and 14. Further, Applicants respectfully submit that the teachings of Ozluturk and Mimura are silent regarding a required receiving power according to the amended independent claims.

¹ Office Action at page 5, numbered paragraph 10, lines 3-6.

Accordingly, it is respectfully submitted that independent Claims 1 and 11, and claims depending therefrom, are allowable.

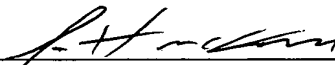
Further, Claims 5, 8, 9, 15, 18 and 19 are re-cast to be in independent form and to recite the features indicated as allowable in the outstanding Office Action. Accordingly, it is respectfully submitted that amended independent Claims 5, 8, 9, 15, 18 and 19, and claims depending therefrom, are allowable.

If the Examiner believes any additional formal matters need to be addressed in order to place this application in condition for allowance, the Examiner is respectfully requested to contact the undersigned by telephone at the Examiner's convenience.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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